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**Prior Determination  
Change of use of Agricultural  
Buildings to Dwellings**

PREPARED FOR

Mr J Wallington  
Meadow Brook Farm  
Piddlington Road  
Luggeshall  
HP18 9PQ

May 2022

**PREPARED BY**

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**1. INTRODUCTION**

1.1 We act on behalf of Mr John Wallington of Meadow Brook Farm, Piddlington Road, Luggeshall, HP18 9PQ in respect of the prior determination request made to Aylesbury Vale District Council in relation to the potential change of use of two agricultural buildings Meadow Brook Farm, Luggeshall into 2 dwellings.

1.2 Planning permission is not deemed necessary for the proposed development on the basis that the proposal conforms with the provisions set out in The Town and Country Planning (General Permitted Development) (England) Order 2018.

**2. DISCLAIMER**

2.1 This report is for the sole use of the named client. While it may be shown to other professionals acting for them, the contents are not to be disclosed to nor made use of by any third party without our express prior written consent. Without such consent we can accept no responsibility to any third party.

Signed  .....

**BRIAN BARROW BSc (Hons) MRICS**  
on behalf of Acorus Rural Property Services Limited

Dated ..... *May 2022* .....

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### 3. PLANNING POLICY BACKGROUND

3.1 Class Q of the General Permitted Development (England) Order 2018 allows for:-

- a) the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order; or
- b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwelling houses) of that Schedule.

3.2 The building works permitted under Class Q are outlined in the Planning Practice Guidance at Paragraph 105 as follows:-

*“Building works are allowed under the right permitted agricultural buildings to change to residential use, however the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.*

*Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”*

3.3 The proposals were put forward to further enhance the Government’s key objective of supporting economic growth. The proposals strongly support key Government priorities for making better use of



existing buildings, supporting the high street and rural communities and providing new housing.

- 3.4 The permitted development makes a strong contribution towards the provision of new homes, reducing some of the pressure for new green field development and allowing under-utilised buildings to be brought back into productive use.
- 3.5 The permitted development provisions do not differentiate between the age or type of any buildings which might be suitable for conversion.

#### **4. THE SITE AND BUILDING**

- 4.1 The proposal relates to the change of use of two existing agricultural buildings and the land within their curtilage into 2 dwellings.
- 4.2 The agricultural unit has been owned by the applicant for many years and is land which has been occupied for the purposes of agriculture on or before 20 March 2013 with a sheep and cattle being kept from the site.
- 4.3 The unit extends 4.8 hectares (12 acres) of land, however Mr Wallington has other land in the area and farms 16 hectares (40 acres) in total. Sheep and cattle are kept on the land for beef and lamb production.
- 4.4 The buildings subject to this application are used as a machinery store and as a hay store. They were in this use in March 2013.

The buildings are typical agricultural buildings one with a steel frame and one a concrete frame.

The buildings subject to the change use of use measure 86.4 m<sup>2</sup> and 83.72 m<sup>2</sup>, therefore it is proposed to convert each building into smaller dwellings.

- 4.4 It is confirmed that the following criteria are also satisfied:

- the buildings are not on article 2(3) land;
- the site was used for agricultural purposes on or before 20<sup>th</sup> March 2013.

- the site is not occupied under an agricultural tenancy, nor has one been terminated within the last 12 months.
- the site does not form part of a safety hazard area or military explosives storage area;
- the buildings are not a listed building or scheduled monument;
- no development utilising agricultural (part 6) PD rights has been undertaken on the unit since 20<sup>th</sup> March 2013.

## 5. PRIOR DETERMINATION – CLASS Q(a)

5.1 In accordance with the Order, we request a determination as to whether the prior approval of the LPA is required for the Class Q(a) development in this instance in regard to:

- **Transport** and highways impacts of the development
- **Noise** impacts of the development
- **Contamination** risks on the site
- **Flood risks** on the site
- Whether the **location or siting** of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order
- **Natural light** in habitable rooms

### 5.2 Transport

The site is situated with a good access onto an established and adopted highway. Considering an average of 4 trips per day per dwelling and removal of the buildings agricultural use, it is deemed that the highways impact of the proposal would be minimal.

### 5.3 Noise

There will be no adverse impact on any existing residential amenity in the area, by converting the agricultural buildings to residential.

### 5.4 Contamination

There has been no previous use of the barn to the applicant's knowledge, which would lead to any contamination concerns or issues. There has never been any landfill or waste disposal on or around the site and given historically the use of the site has been agricultural rather than industrial, the pollution and contamination risk is deemed to be low.

### 5.5 Flood Risk

The site is within Flood Zone 1.

There will be new drainage facilities installed which will provide adequate foul drainage and surface water drainage. Any newly created drainage for surface water will ensure that any discharge will not increase the chance of flooding elsewhere.

### 5.6 Location and Siting

The location and siting of the buildings do not make it undesirable or impractical to change the use.

There is a potential curtilage area associated with the buildings, which will create amenity space for the dwellings created including parking area.

Some basic lean to's to one building will be demolished so there will be no conflicting adjacent uses.

### 5.7 Provision of Natural Light

The dwellings will benefit from natural light to all habitable rooms as shown on the plans and elevations.

## 6. PRIOR DETERMINATION CLASS Q(b)

6.1 In addition to the above, we also request a determination as to whether the prior approval of the LPA is required in relation to the design or external appearance of the building.

6.2 To assist with the determination the following is provided:-

- \* a site location plan which identifies the subject buildings and the deemed curtilage areas.
- \* Existing and proposed Plans and Elevations including plans showing the dimensions of rooms and windows

The proposed design will not extend the external dimensions of the buildings in any direction.

The existing buildings are single storey with concrete panel walls and metal sheeting above.

The design utilises the existing buildings with retention of the frame, walls and other structural elements. Cladding to the sides will be replaced on a like for like basis with any asbestos sheeting replaced with fibre cement. Everything will be fixed onto the existing supports and windows and door inserted into existing openings where possible.

Each building has one open side but this will be utilised for the majority of the windows and doors which will be inserted into the frame with frames and paneling as necessary.

Some additional openings will occur to enable the internal layout to work with adequate light to all habitable rooms.

All the other works will be internal, such as insulation.



## **7. CONCLUSION**

- 7.1 It is deemed that the proposal for the change of use of the building at Meadow Brook Farm should be considered permitted development, under the legislation brought into force in 2014 and now under Class Q of the General Permitted Development Order 2018.
- 7.2 The proposed change of use will not lead to any detrimental adverse effects on traffic, noise or contamination and the siting and location of the buildings is deemed acceptable for the proposed use. Natural light will be provided to all habitable rooms.
- 7.3 The buildings are convertible and capable of functioning as dwellings. The works proposed consists of replacement of cladding plus insertion of windows and doors . These elements are all within the items allowed for under the permitted development. Existing walls and building structures will remain and no new structural walls are proposed only infill windows, doors and frames. Other works including insulation and sub dividing the living space are all internal and therefore not development.

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